Distr.
LIMITED

E/CN.4/1994/L.46
28 February 1994

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fiftieth session
Agenda item 10

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

Australia, Austria, Belgium*, Chile, Costa Rica, Cyprus, Czech Republic*, Denmark*, France, Germany, Hungary*, Ireland*, Japan, Netherlands, Norway*, Poland, Portugal*, Russian Federation, Sweden* and Switzerland*: draft resolution

Right to freedom of opinion and expression

The Commission Human Rights,

Guided by the Universal Declaration of Human Rights, which affirms the right to freedom of opinion and expression,

Mindful of the International Covenant on Civil and Political Rights, which reaffirms, in article 19, the right of everyone to hold opinions without interference, as well as the right to freedom of expression, and states that the exercise of the right to freedom of expression carries with it special duties and responsibilities and may therefore be subject to certain restrictions, but that these shall be only such as are provided by law and are necessary for respect of the rights or reputations of others, or for the protection of national security or of public order (ordre public), or of public health and morals,

Mindful also that the International Covenant on Civil and Political Rights states that any propaganda for war or any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law,

---

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling its resolution 1993/45 of 5 March 1993, in which it decided to appoint a special rapporteur on the promotion and protection of the right to freedom of opinion and expression,

Also recalling its resolutions 1984/26 of 12 March 1984, 1985/17 of 11 March 1985, 1986/46 of 12 March 1986, 1987/32 of 10 March 1987, 1988/37 and 1988/39 of 8 March 1988, 1989/31 of 6 March 1989, 1989/56 of 7 March 1989, 1990/32 of 2 March 1990, 1991/32 of 5 March 1991 and 1992/22 of 28 February 1992,

Taking note of resolution 1983/32 of 6 September 1983 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Taking note also of the reports and the final conclusions and recommendations on the right to freedom of opinion and expression submitted to the Sub-Commission at its forty-second, forty-third and forty-fourth sessions by the Special Rapporteurs, Mr. Louis Joinet and Mr. Danilo Türk (E/CN.4/Sub.2/1990/11, E/CN.4/Sub.2/1991/9 and E/CN.4/Sub.2/1992/9 and Add.1),

Considering that the effective promotion of the human rights of persons who exercise the right to freedom of opinion and expression is of fundamental importance to the safeguarding of human dignity,

Noting the comment in the final report of the Special Rapporteurs that the right to freedom of opinion and expression is interrelated with and enhances the exercise of all other human rights,

Deeply concerned by numerous reports of detention of, as well as discrimination, threats and acts of violence and harassment, including persecution and intimidation, against professionals in the field of information, including journalists, editors, writers and authors, publishers and printers,

1. Welcomes the report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (E/CN.4/1994/33), and welcomes his observations on the terms of reference that constitute the legal framework within which he will carry out his mandate and his proposed methods of work;

2. Notes that the Special Rapporteur recognizes the need to cooperate with other special rapporteurs, special representatives, independent experts, working groups and other United Nations mechanisms and procedures in the field of human rights, and encourages the Special Rapporteur to continue his efforts in this regard;

3. Welcomes the observations contained in the report of the Special Rapporteur on the methods of work, in particular on the means of responding effectively to information which comes before him;

4. Requests the Secretary-General to provide, within existing overall United Nations resources, all the assistance necessary to the Special Rapporteur

to fulfil his mandate, in particular by strengthening the human and material resources placed at his disposal;

5. Also requests the Secretary-General to consider ways of publicizing, particularly within the framework of the information activities of the Centre for Human Rights, the work of the Special Rapporteur, as well as recommendations made by him;

6. Expresses its concern at the extensive occurrence of detention of, as well as discrimination, threats and acts of violence and harassment, including persecution and intimidation, directed at persons who exercise the right to freedom of opinion and expression as affirmed in the Universal Declaration of Human Rights and, where applicable, the International Covenant on Civil and Political Rights;

7. Also expresses its concern at the extensive occurrence of detention of, as well as discrimination, threats and acts of violence and harassment, including persecution and intimidation, directed at persons who exercise the intrinsically linked rights to freedom of thought, conscience and religion, of peaceful assembly and freedom of association, and the right to take part in the conduct of public affairs as affirmed in the Universal Declaration of Human Rights and, where applicable, the International Covenant on Civil and Political Rights;

8. Further expresses its concern at the extensive occurrence in many parts of the world of detention of, as well as discrimination, threats and acts of violence and harassment, including persecution and intimidation, directed at persons who seek to promote and defend these rights and freedoms;

9. Emphasizes that professionals in the field of information play a major role in the promotion and protection of freedom of opinion and expression and expresses in this regard its deep concern at the numerous reports, received by the Special Rapporteur, of detention of, as well as discrimination, threats and acts of violence and harassment, including persecution and intimidation, directed at such professionals, including journalists, editors, writers and authors, publishers and printers;

10. Underlines that the Working Group on Arbitrary Detention, in its report (E/CN.4/1994/27), noted that 38 of the decisions adopted concerning 147 persons related to detentions regarded as arbitrary, because they were ordered against persons lawfully exercising the right to freedom of opinion and expression;

11. Welcomes the release of persons detained for exercising these rights and freedoms, and encourages further progress in this regard;

12. Appeals to all States to ensure respect and support for the rights of all persons who exercise the right to freedom of opinion and expression, the rights to freedom of thought, conscience and religion, peaceful assembly and

association, and the right to take part in the conduct of public affairs, or who seek to promote and defend these rights and freedoms and, where any persons have been detained, subjected to violence or threats of violence and to harassment, including persecution and intimidation, solely for exercising these rights as laid down in the Universal Declaration of Human Rights and, where applicable, the International Covenant on Civil and Political Rights, to take the appropriate steps to ensure the immediate cessation of these acts and to create conditions under which these acts may be less liable to occur;

13. Also appeals to all States to ensure that persons seeking to exercise these rights and freedoms are not discriminated against, particularly in such areas as employment, housing and social services;

14. Invites once again the Working Group on Enforced or Involuntary Disappearances, the Working Group on Arbitrary Detention and the special rapporteurs of the Commission on Human Rights to pay attention, within the framework of their mandates, to the situation of persons detained, subjected to violence, ill-treated or discriminated against for having exercised the right to freedom of opinion and expression as affirmed in the Universal Declaration of Human Rights and, where applicable, the International Covenant on Civil and Political Rights;

15. Urges all Governments to cooperate with and assist the Special Rapporteur in the performance of his tasks and to provide all information requested;

16. Requests the Special Rapporteur to submit to the Commission at its fifty-first session a report covering the activities relating to his mandate;

17. Decides to review this matter at its fifty-first session.